

Carlos Hernández
Mayor

Isis Garcia-Martinez
Council President

Luis González
Council Vice President



Council Members
Jose F. Caragol
Paul B. Hernández
Vivian Casáls-Muñoz
Katharine E. Cue-Fuente
Lourdes Lozano

City Council Summary Agenda August 28, 2012 7:00 P.M.

Call to Order/Roll Call of Councilmembers - **QUORUM**

Invocation given by David Concepcion, City Clerk

Pledge of Allegiance led by Councilwoman Vivian Casals-Muñoz

ALL LOBBYISTS MUST REGISTER WITH THE CITY CLERK

The following guidelines have been established by the City Council:

- As a courtesy to others, please refrain from using cellular telephones or other similar electronic devices in the Council Chamber.
- A maximum of three (3) speakers in favor and three (3) speakers in opposition will be allowed to address the Council on any one item. Each speaker's comments will be limited to three (3) minutes.
- No signs or placards, in support of or in opposition to an item or speaker, shall be permitted within the Council Chamber.

Presentations –

The American Cancer Society recognizes the following individuals for their participation in the 2012 Relay for Life: Mayor Carlos Hernandez, Councilwoman Isis Garcia-Martinez, Councilwoman Katharine Cue-Fuente, and Councilman Paul Hernandez. Team Captains Eddie Rodriguez, (1st) Police Department; Gelien Perez, (2nd) Team City Hall; Maria Pang and Ileana Sanabria, (3rd) Hialeah Housing; Nery Queiros, (4th) ECS Department; Priscilla Gomez and Ken Soler, (5th) Parks and Recreation. Bryan Avila, Arnaldo Alonso, David Concepción, Mario Diaz and William Sanchez.

Certificate of Appreciation presented by Mayor Hernandez to the following departments for their leadership and participation in the 2012 Relay for Life: Diane McRrea, Building Department, Construction & Maintenance Department, Office of the City Clerk, Education and Community Services, Fire Department, Grants & Human Services Department (South Florida Workforce), Hialeah Housing, Information & Technology Department, Law Department, Parks and Recreation, Police Department, Purchasing Department, Retirement Department, Office of Management & Budget, Office of the Mayor, Zoning Department.

1. Announcement of Amendments/Corrections to the Agenda (if any)
 - a. **Items 5 & 6 were adjusted to reflect the amended language.**
 - b. **Items H and K were adjusted to reflect the correct total amount.**

2. Consent Agenda –

- A.** Report of Scrivener's Error – Resolution 2011-134 approved by the City Council on December 13, 2011. (OFFICE OF THE CITY CLERK.) **APPROVED (7-0)**
- B.** Report of Scrivener's Error – Resolution 2011-67 approved by the City Council on July 12, 2011. (OFFICE OF THE CITY CLERK.) **APPROVED (7-0)**
- C.** Request permission to reject Hialeah bid # 2009/10-3230-00-106 for the Milander Auditorium – Light Fixtures, because no bids were received and authorize the department permission to waive competitive bids, since it is advantageous to the City, and obtain quotes for this project, due to time constraints and return to the Council with new prices for review and approval. (GRANTS AND HUMAN SERVICES DEPT. & CONSTRUCTION AND MAINTENANCE DEPT.) **APPROVED (7-0)**
- D.** Request permission to waive competitive bids, since it is advantageous to the City, and award the Structural Framing Support for the Folding Wall Partitions to D&D Mobile Welding and Fabrication, Inc., lowest responsive bid received, for a total amount not to exceed \$34,000. (GRANTS AND HUMAN SERVICES DEPT. & CONSTRUCTION AND MAINTENANCE DEPT.) **APPROVED (7-0)**
- E.** Proposed resolution to renew the two-year license to MV Contract Transportation, Inc., and in furtherance thereof, authorizing the Mayor and City Clerk as attesting witness, on behalf of the City to enter into a second amendment to the professional services agreement to the Bus Lease Agreement and a second amendment to the Bus Lease Agreement commencing on October 1, 2012 and ending on September 30, 2014, a copy of which is attached hereto and made a part hereof as Composite Exhibit "1." (TRANSIT DIV.) **APPROVED (7-0)**
RESOLUTION 2012-101
- F.** Request authorization to submit payment to Miami-Dade County for mainframe access and repair calls to Miami Dade County, serviced to the 911 Center, the Building and Police Departments for service starting in 2000, for a total cumulative amount not to exceed \$68,740.08. (INFORMATION TECHNOLOGY DEPARTMENT) **APPROVED (7-0)**
- G.** Request permission to increase purchase order #2012-1044, issued to Milian, Swain & Associates, Inc. (MSA), for the review and calculations of water and sewer connection fees, for outstanding invoices in the amount of \$3,387.50, for a total amount not to exceed \$18,387.50. (WATER AND SEWERS DEPT.) **APPROVED (7-0)**
- H.** Request permission to increase purchase order # 2012-1519 issued to, Overland Carriers, Inc., Lowest responsive bidder, for the Milander Auditorium Project, for additional Fill Material needed to complete the job, as a result in the increase in the original scope of work, for an additional total amount of \$20,000, for a total cumulative amount not to exceed \$35,000. (GRANTS AND HUMAN SERVICES DEPT. & CONSTRUCTION AND MAINTENANCE DEPT.) **APPROVED (7-0)**
- I.** Request permission to award Hialeah bid # 2011/12-3230-00-058 for the 36-Unit Elderly Housing Project- Fire Protection, and issue a purchase order issued to lowest responsive

bidder, Horizon Fire Sprinklers, Inc., for a total amount not to exceed \$98,950. (GRANTS AND HUMAN SERVICES DEPT. & CONSTRUCTION AND MAINTENANCE DEPT.) **APPROVED (7-0)**

- J.** Request permission to award Hialeah bid # 2011/12-3230-00-057 for the 36-Unit Elderly Housing Project- Mechanical/HVAC, and issue a purchase order issued to lowest responsive bidder, Nel & Sons, Inc., for a total amount not to exceed \$84,700. (GRANTS AND HUMAN SERVICES DEPT. & CONSTRUCTION AND MAINTENANCE DEPT.) **APPROVED (7-0)**
- K.** Request permission to increase purchase order # 2012-2271 issued to, Overland Carriers, Inc., Lowest responsive bidder, for the 72-Unit Elderly Housing Project, for additional Fill Material needed to complete the job, as a result in the increase in the original scope of work, for an additional total amount of \$10,000, for a total cumulative amount not to exceed \$40,000. (GRANTS AND HUMAN SERVICES DEPT. & CONSTRUCTION AND MAINTENANCE DEPT.) **APPROVED (7-0)**
- L.** Request permission to increase existing purchase order #2012-942, since it is advantageous to the City, issued to Miami Tiresoles to purchase tires and road call service on City vehicles for the Public Works, Fire Department, and Water and Sewer Department, for an additional amount of \$20,000, and total amount not to exceed the amount of \$180,000. (FLEET MAINTENANCE DEPT.) **APPROVED (7-0)**
- M.** Request permission to increase an existing purchase order #2012-235 issued to Florida Detroit Diesel- Allison, Inc., to purchase truck parts and service, for an additional amount not to exceed \$5,000, for a cumulative total amount not to exceed \$20,000. (FLEET MAINTENANCE DEPT.) **APPROVED (7-0)**
- N.** Request permission to increase existing purchase order #2012-938, since it is advantageous to the City, issued to Wingfoot Commercial Tire Systems, LLC to purchase new tires on City vehicles for the Public Works, Fire Department, and Water and Sewer Department, for an additional amount of \$20,000, and total amount not to exceed the amount of \$180,000. (FLEET MAINTENANCE DEPT.) **APPROVED (7-0)**
- O.** Request permission to increase existing purchase order #2012-961, since it is advantageous to the City, issued to Fedan Tire Company, to purchase recap tires for City vehicles, for an additional amount of \$20,000, and total amount not to exceed the amount of \$165,000. (FLEET MAINTENANCE DEPT.) **APPROVED (7-0)**
- P.** Request permission to increase an existing purchase order #2012-182 issued to D & L Auto & Marine Supplies, Inc., to purchase alternations and auto electric repairs, for an additional amount of \$5,000, and total amount not to exceed the amount of \$20,000. (FLEET MAINTENANCE DEPT.) **APPROVED (7-0)**
- Q.** Request permission to increase an existing purchase order #2012-946 issued to Rainbow Transmission Auto Center, for transmission repairs for City vehicles, for an additional amount of \$10,000, and total amount not to exceed the amount of \$30,000. (FLEET MAINTENANCE DEPT.) **APPROVED (7-0)**

- R. Request permission to increase an existing purchase order #2012-948 issued to Auto Plus, for the purchase of Ford and AC Delco parts for City vehicles, for an additional amount of \$20,000, and total amount not to exceed the amount of \$95,000. (FLEET MAINTENANCE DEPT.) **APPROVED (7-0)**
- S. Request permission to increase an existing purchase order #2012-940 issued to Total Truck Pars, Inc., for the purchase of aftermarket parts for City vehicles, for an additional amount of \$20,000, and total amount not to exceed the amount of \$135,000. (FLEET MAINTENANCE DEPT.) **APPROVED (7-0)**
- T. Request permission to increase an existing purchase order #2012-125 issued to Magic Towing & Recovery, Inc., for the towing services of City vehicles, for an additional amount of \$5,000, and total amount not to exceed the amount of \$20,000. (FLEET MAINTENANCE DEPT.) **APPROVED (7-0)**
- U. Request permission to increase an existing purchase order #2012-553 issued to Macmillan Oil Company, to purchase gasoline and diesel fuel for City vehicles, for an additional amount of \$15,000, and total amount not to exceed the amount of \$122,380. (FLEET MAINTENANCE DEPT.) **APPROVED (7-0)**
3. Second reading of proposed ordinance, Florida revising the Final Hialeah, Fla., Land Development Code to reflect pertinent changes to the Hialeah Code and relevant changes in state law enacted since the date of the last revision, including, but not limited to, amending Regulation No. 1. Land Development Procedures, Land Development Regulation No. 7 entitled "Sign Regulation" and Land Development Regulation No. 10. Subdivision Of Land; repealing all ordinances or parts of ordinances in conflict therewith; providing penalties for violation hereof; providing for inclusion in the Hialeah, Fla., Land Development Code and the Hialeah Code; providing for a severability clause and providing for an effective date.. (ADMINISTRATION.) **APPROVED (7-0) ORDINANCE 2012-45**
4. Proposed resolution recognizing and pledging support for the Miami-Dade County Commission on Ethics and Public Trust for Sponsoring "Ethical Governance Day: in Miami-Dade County Public Schools. (ADMINISTRATION) **APPROVED (7-0) RESOLUTION 2012-102**
5. Proposed resolution, urging the State of Florida and Miami-Dade County authorities to adopt stricter regulations and additional safeguards for voting by absentee ballot and in particular, providing a pre-paid self-addressed mailing envelope to return the signed ballot to the Supervisor of Elections; enhancing the penalty from a Misdemeanor to a Felony for violating the limitation on the number of Absentee Ballots that may be picked-up by a third-party; requiring a witness to attest the voter's signature on the Voter's Certificate; requiring the name and address of any person assisting the elector in marking the Ballot to be printed on the mailing envelope with the enclosed Ballot; limiting the number of Ballots any one person can sign as a witness; making timely public service announcements warning the public of the risks of fraud when voting by absentee ballot; and requiring signatures on voter registration cards and offering voters the opportunity to update voter signatures on voter registration cards every four years. (ADMINISTRATION) **APPROVED (7-0) RESOLUTION 2012-99 (AS AMENDED) (amended final clause recommended by IGM)**

6. Proposed resolution admonishing any member of the City Council who attends a Planning & Zoning Board meeting in which a member's conduct, at any point during the meeting, overtly or tacitly telegraphs a member's support for an agenda item, such as sitting next to the applicant or the applicant's attorney immediately prior to or during the presentation of the item; and that in order to avoid the appearance of impropriety, intimidation or undue influence, Council Members should refrain from attending Planning & Zoning Board meetings because of the risk that a selective appearance at such meetings may indicate a personal interest in the outcome of an item. (ADMINISTRATION) **APPROVED (7-0) RESOLUTION 2012-103**
7. Proposed resolution, supporting the Central Everglades Planning Project for restoration of the Central Everglades. (OFFICE OF CITY CLERK) **APPROVED (7-0) RESOLUTION 2012-104**
8. Proposed resolution strongly opposing the proposed base rate increase by Florida Power and Light ("FPL"). (COUNCILMAN L. GONZALEZ) (*TABLED 8/14/12*) **REMOVED FROM TABLE (7-0) TABLED (LG)(7-0)**
9. Proposed resolution authorizing the Mayor and the City Clerk, as attesting witness, on behalf of the City, to enter into a professional services agreement for one year with Alberni, Caballeros & Company, LLP, certified public accountants, to perform auditing services and complete the annual audit, including, but not limited to, auditing in connection with federal or Florida Single Audit Act Requirements, CAFR Requirements and GASB 45 Requirements, on or before March 7, 2013 for the fiscal year that commenced on October 1, 2011 and ends on September 30, 2012, in an amount not to exceed the sum of \$127,000; to perform auditing services and complete the annual audit for fiscal year 2011-2012 with two successive annual renewals at the option of the city within its discretion, in the amount of \$130,800 for fiscal year 2012-2013 and in the amount of \$134,700 for fiscal year 2013-2014. (ADMINISTRATION) **APPROVED (7-0) RESOLUTION 2012-105**
10. First reading of proposed ordinance amending Chapter 2 entitled "Administration", Article II. Departments, Offices and Divisions, of the Code of Ordinances by amending Division 12. Community Development Department; amending and to consolidate the existing Water and Sewers Department and Solid Waste Department as divisions within a newly-created Department Of Public Works under the supervision of a director of Public Works; and convert the Risk Management Division to the Risk Management Department and rename Division 19. Risk Management Division to Risk Management Department; and providing miscellaneous revisions; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause and providing for an effective date. (ADMINISTRATION) **APPROVED (7-0)**
11. First reading of proposed ordinance amending Hialeah, Florida, Chapter 98 entitled "Zoning", Article V. Zoning District Regulations, Division 1. Generally, Of The Code of Ordinances and in particular, revising Hialeah Code § 98-411 entitled "Classification of Districts" to update the list of Municipal Zoning District Classifications referenced in the Code of Ordinances; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for inclusion in code; providing for a severability clause and providing for an effective date. (ADMINISTRATION) **APPROVED (7-0)**

12. Request from Islands United, Inc., to hold a concert at Hialeah Park, Paddock area, October 4, 2012 from 10:00 P.M. to 4:00 A.M. and October 6, 2012 from 10:00 P.M. to 6:00 A.M. (Pending recommendations from the Hialeah Police Department). (OFFICE OF THE CITY CLERK) **APPROVED (7-0) (Frank Fiore of Hialeah Park, 2200 E 4 Ave spoke on behalf of applicant)**

13. Board Appointments

14. Unfinished Business

Council VP Gonzalez invited City and Hialeah Park to participate in the FL. League of Cities “Viva Fla. 500” to promote the City and our events to the state, organizations and other municipalities.
Mayor advised that the budget will be presented to the Council in the coming weeks and we will have a balanced budget again.
Mayor congratulated and thanked Joe Caragol Jr., the Council and City Staff for all of their hard work and dedication during Tropical Storm Isaac, in a very successful exercise in leading Hialeah and all of our satellite cities.

15. New Business-

16. Comments and Questions

Administration of Oath to all applicants and anyone who will be speaking before the City Council on any Zoning, Land Use or Final Decision item.

Attention Applicants: Items approved by the City Council are subject to the Mayor’s approval or veto. The Mayor may withhold his signature or veto the item. If the Mayor’s signature is withheld, the item is not effective until the next regularly scheduled meeting. If the Mayor vetoes the item, the item is rejected unless the Council overrides the veto at the next regular meeting.

ZONING

- PZ. 1** First reading of proposed ordinance granting a variance permit to allow a single family home on a substandard-sized lot having a width of 25 feet, where a minimum average width of 40 feet is required, a total area of 3,125 square feet, more or less, where a total area of at least 6,480 square feet is required, and to allow side setbacks of 5 feet, where at least 5 feet 1 inch is required, contra to Hialeah Code §§98-348. **A vacant lot located on the east side of West 6 Court between West 23 Street and West 24 Street, Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. Applicant: Machado Investments, Inc. (TABLED 8/14/12) **REMOVED FROM TABLE (7-0) APPROVED (7-0) (presented by Javier L. Vazquez, P.A.6500 Cowpen Road, Suite 302 Miami Lakes, FL 33014)**

- PZ. 2** First reading of proposed ordinance granting a variance permit to allow the expansion of a nonconforming use pursuant to Hialeah Code §98-377(b) in order that a grandfathered

guesthouse be used as a second living quarter, and to allow no interior west side setback for the existing guesthouse, where a minimum of 5 feet 1 inch is required, and to allow an interior east side setback of 4.20 feet for the existing main house, where 5 feet 1 inch is required, contra to Hialeah Code §98-348. **Property located at 478 East 61 Street, Hialeah, Florida.** Repealing All ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. Applicant: Jose R. Soberon & Gisela Soberon(TABLED 8/14/12) **REMOVED FROM TABLE (7-0) APPROVED (7-0) (presented by Javier L. Vazquez, P.A.6500 Cowpen Road, Suite 302 Miami Lakes, FL 33014, pictures of the home were distributed.)**

PZ. 3 First reading of proposed ordinance granting a variance permit to allow a duplex on a substandard-sized lot having a width of 50 feet, where a minimum average width of 75 feet is required, and a total area of 5,550 square feet, more or less, where a minimum total area of 7,500 square feet is required, to allow a lot coverage of 43%, where a maximum of 30% is allowed, and to allow side setbacks of 5 feet, where at least 7.5 feet are required, contra to Hialeah Code §§ 98-544, 98-546 and 98-2056(b)(2). **Vacant land located on the west side of West 5 Way Between West 23 Street and West 22 Street, Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. Applicant: Machado Enterprises, Inc. (TABLED 8/14/12) **REMOVED FROM TABLE (7-0) APPROVED (7-0) (presented by Javier L. Vazquez, P.A.6500 Cowpen Road, Suite 302 Miami Lakes, FL 33014)**

PZ. 4 First reading of proposed ordinance granting a variance permit to allow a duplex on a substandard-sized lot having a width of 50 feet, where a minimum average width of 75 feet is required, and a total area of 6,750 square feet, more or less, where a minimum total area of 7,500 square feet is required, to allow a corner side setback of 10 feet, where at least 15 feet is required, and to allow a rear setback of 22 feet, where a minimum of 25 feet is required, contra to Hialeah Code §§ 98-544, 98-546 and 98-547. **Property located at 2300 West 5 Way, Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. Applicant: Machado Investments, Inc. (TABLED 8/14/12)) **REMOVED FROM TABLE (7-0) APPROVED (7-0) (presented by Javier L. Vazquez, P.A.6500 Cowpen Road, Suite 302 Miami Lakes, FL 33014)**

PZ. 5 Second reading and public hearing of proposed ordinance granting a variance permit to allow an oversized carport with 603.41 square feet in total floor area, where a maximum of 400 feet is allowed; allow a rear setback of 2.70 feet and a west side setback of 2.70 feet, where 7.5 feet are required, for two storage sheds of approximately 125 square feet each, contra to Hialeah Code §§ 98-501, 98-502 and 98-1669. **Property located at 390 East 65 Street, Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. Applicant: Juan Baez & Rosalina Baez (560 E 55 STREET) **APPROVED (7-0) ORDINANCE 2012-46**

PZ. 6 Second reading and public hearing of proposed ordinance granting a Conditional Use Permit (CUP) to allow a Middle through Senior High (6 – 12 Grade) Charter School with a

maximum total enrollment of 1,300 students pursuant to Hialeah Code §98-181(2)I on property zoned M-1 (Industrial District). **Property located at 651 West 20 Street, Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. Applicant: AMFS, LLC, Anthony Cho, Managing Member and Director. **APPROVED (7-0) ORDINANCE 2012-47 (presented by Juan Mayol Esq., two items added by applicant: Lynx Holdings withdrew their objections and a Declaration of Restrictions addressing concerns from prior hearing)**

PZ. 7 First reading of proposed ordinance rezoning from R-1 (One Family Residential District) to R-2 (One And Two Family Residential District) and granting a variance permit to allow a Duplex on a substandard-sized lot having a width of 49.8 feet, where a minimum average width of 75 feet is required, having a total area of 6,750 square feet, more or less, where at least 7,500 square feet is required, to allow a lot coverage of 34%, where a maximum of 30% is allowed, and to allow a corner side setback of 10 feet, where no less than 15 feet are required, contra to Hialeah Code §§ 98-544, 98-546 and 98-2056(b)(2). **Property located at 101 East 18 Street, Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. **APPROVED (7-0) (presented by Javier L. Vazquez, P.A.6500 Cowpen Road, Suite 302.; Two items added by applicant: revised plans submitted and a Declaration of Restrictive Covenant submitted)**

LAND USE

LU. Second reading and public hearing of proposed ordinance, amending the Future Land Use Map from Low Density Residential to High Density Residential; **Property located at 465 East 7 Street, Hialeah, Florida, Zoned R-1 (One-Family District);** repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. **APPROVED (7-0) ORDINANCE 2012-48**

NEXT CITY COUNCIL MEETING: September 11, 2012 AT 7:00 P.M.

Anyone wishing to obtain a copy of an agenda item should contact the Office of the City Clerk at (305) 883-5820 or visit at 501 Palm Avenue, 3rd Floor, Hialeah, Florida, between the hours of 8:30 a.m. and 5:00 p.m.

Persons wishing to appeal any decision made by the City Council, with respect to any matter considered at the meeting, will need a record of the proceedings and, for such purposes, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

An ordinance or resolution shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto. If the Mayor's veto is sustained, the affected ordinance or resolution does not become law and is deemed null and void.

In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodations to participate in the proceeding should contact the Office of the City Clerk at (305) 883-5820 for assistance no later than seven (7) days prior to the proceeding; if hearing impaired you may telephone the Florida Relay Service at (800) 955-8771 (TDD), (877) 955-8773 (Spanish) or (800) 955-8770 (Voice).